

A. FAQs by Debtors

A-1. What are the primary types of bankruptcy relief which are available? [3/17/2006]

Chapter 7: Liquidation.

Chapter 7 is the liquidation chapter of the Bankruptcy Code which is available to individuals, partnerships or corporations. In Chapter 7, a debtor must surrender all non-exempt assets which are then sold for cash by a trustee and distributed to creditors under the rules and priorities expressed in the Bankruptcy Code. Individuals who file for Chapter 7 relief retain their exempt assets and are eligible to receive a discharge of debts. **Individual Chapter 7 debtors with primarily consumer debts may be subjected to a financial means test to determine their eligibility for Chapter 7 relief.**

Chapter 11: Reorganization.

Chapter 11 allows corporations, partnerships, and individuals to propose a plan which, if accepted by creditors or otherwise approved by the Court, allows the debtor to reorganize its financial affairs and to again become a financially productive individual or business.

Chapter 12: Adjustment of Debts by a Family Farmer.

Chapter 12 is a special chapter of the Bankruptcy Code designed to permit family farmers to repay their debts from future earnings over a specified period of time. ~~Though the Court continues to administer pending Chapter 12 cases, the availability of Chapter 12 relief for new debtors expired on July 1, 2000 and will remain unavailable until federal legislation is enacted to re-authorize its use.~~

Chapter 13: Adjustment of Debts by an Individual.

An individual with a regular income, whose debts do not exceed certain statutory limitations may file under Chapter 13. Chapter 13 permits the debtor to file a plan under which the debtor commits to pay her net disposable income to a trustee for a period of three to five years and which, if successfully completed, entitles the debtor to a **slightly** broader discharge than is available to an individual under Chapter 7.

A-2. Are there any requirements I must meet before I can file for bankruptcy relief? [3/17/2006]

All individuals seeking to become a debtor in a bankruptcy case must receive an individual or group briefing from an approved nonprofit budget and credit counseling agency within the 180-day period prior to the filing of a bankruptcy petition.

A-3. If I file for bankruptcy, will it stop an eviction? [10/30/2000]

The staff of the United States Bankruptcy Court is prohibited from providing legal advice to you. If you have any questions regarding the effect of a bankruptcy filing, please contact your legal advisor.

A-4. Do I need an attorney to file bankruptcy and can you recommend one? [10/30/2000]

While it is possible for an individual to file a bankruptcy case without the assistance of an attorney (i.e. to file pro se), you may find that it is extremely difficult to do so successfully. Hiring a competent attorney is highly recommended.

Any other type of debtor, including a partnership or a corporation, must be represented by an attorney in order to file and to prosecute a bankruptcy case. Any case filed on behalf of such a debtor without the retention of legal counsel is subject to immediate dismissal. Local Rule of Bankruptcy Procedure 1002(b).

For information about lawyer referral programs in the Plano area, you may contact the Plano Bar Association at (972) 424-6113 or the North Dallas Bar Association at (972) 980-0472.

For lawyer referral programs in the Beaumont area, you may contact the Jefferson County Bar Association at (409) 835-8438.

You may also contact the State Bar of Texas Lawyer Referral Information Service toll-free at 1 (800) 252-9690 or 1 (877) 9TEXBAR or review the basics of the State Bar attorney referral program on the World Wide Web at www.texasbar.com/lris. You may also consult the attorney section of your local telephone directory.

A-5. To whom should I send my Chapter 13 plan payments? [03/06/2006]

Plan payments may be made ONLY to the Standing Chapter 13 Trustee assigned to your particular case. Absent extenuating circumstances, the Standing Chapter 13 Trustee in a particular Chapter 13 case is assigned according to the division within the Eastern District in which the case is filed:

For the Tyler / Marshall
and Beaumont/ Lufkin Divisions:

Mr. ~~Ron Stadtmueller~~ ~~Michael Gross~~
P. O. Box 734
Tyler, TX 75710-0734
(903) 593-7777

For the Sherman & Texarkana Divisions:

Ms. Janna Countryman
500 N. Central Expressway, Ste. 350
Plano, TX 75074
(972) 943-2580

If you are unsure which trustee is appointed to the case, please seek additional case information without any charge to you from the Voice Case Information System (VCIS) by calling toll-free from any touch-tone telephone to 1 (800) 466-1694 before contacting the trustee's office or sending any payment.

A-6. If I am an individual debtor, how long after filing bankruptcy will I be issued a discharge? [03/17/2006]

Individual Chapter 7 debtors are eligible to receive a Chapter 7 discharge at the expiration of the period for a party to file a complaint objecting to the entry of such a discharge. Such complaint must be filed no later than 60 days following the first date set for the first meeting of creditors (generally speaking, about 120 days after the filing of the case) however, the period may be extended by the Court for cause on the motion of any party in interest and after hearing on notice.

At the end of the 60-day period or as may be extended by the Court beyond such date, the Court will issue an order granting the debtor a discharge unless: the debtor is not an individual, a complaint objecting to the discharge has been filed, the debtor has filed a waiver of discharge under §727(a)(10), or a motion to dismiss pursuant to §707(b) is pending. **For all individuals filing for Chapter 7 relief on or after October 17, 2005, completion of an instructional course in personal financial management is also required.**

The entry of a discharge order, however, does not preclude the Court from subsequently determining the dischargeability of a particular debt if a creditor has timely requested such a determination.

For Chapter 13 debtors, the Court grants the discharge as soon as practicable after the debtor completes all payments under a confirmed Chapter 13 plan **and creditors have been given an opportunity to object.**

A-7. How do I get a copy of my discharge order? [10/30/2000]

Soon after the Court issues an order granting the discharge, we will send you a copy. If you subsequently lose or cannot find a copy of the discharge order, you can obtain another copy in several ways. For discharge orders (and other documents) issued or filed after June 1, 1998, you may visit any divisional office and print a copy of the electronic document at no charge. If you are a registered WebPACER user, you can download a copy of the document at the standard rates. If your discharge order is unavailable through WebPACER, it is very likely that your document must be retrieved from the Federal Records Center (FRC) in Fort Worth. For more information regarding that retrieval process, please see the information under FAQ Question D-7.